IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 478 of 2007 (M/S)

Tejbhan Manchanda, S/O Lala Hoturam R/O Rice Mill, Sri Nath Nagar, Jwalapur, Pargana Jwalapur, Tehsil and District Haridwar.

….

Petitioner.

Versus

1. S.D.O./Sub Divisional Magistrate, Haridwar.
2. Tehsildar, Haridwar.
3. Nirlesh Kumar, S/O Rajendra Chauhan, R/O Village Atmalpur Baungla, Pargana Jwalapur, Tehsil and District Haridwar.
4. Ajmod Modi, S/O Satyadev, R/O Village Atmalpur Baungla, Pargana Jwalapur, Tehsil and District Haridwar.
5. Ajmod Modi, S/O Satyadev, R/O Village Atmalpur Baungla, Pargana Jwalapur, Tehsil and District Haridwar.

….. Respondents

Sri Dharmendra Barthwal, learned counsel for the petitioner.
Sri Gopal Narain Sarivastava, Brief Holder for the State-respondent no.1 & 2.

Dated May 23, 2007

Hon'ble B.S.Verma, J.

The only prayer made in this writ petition is that the respondent nos. 1 and 2 be directed to decide the application of the petitioner under Section 41 of the Land Revenue Act (Annexure No.1) expeditiously. Prayer has also been made to direct the respondent no.2 to get the measurement of the petitioner's land comprising Khasra No. 5 (area 0.118 Hectare) situate in village Atmalpur Baungla Post Bahadrabad, Tehsil and District Haridwar expeditiously.

The petitioner has submitted that he filed an application under Section 41 of the Land Revenue Act for measurement of the land in question but no measurement was conducted by Tehsildar although a period of six months has already elapsed since after the matter was sent to him. It is alleged that the petitioner sent a letter to the Tehsildar Haridwar on 16-5-2007, a

copy of which is annexed as Annexure No.2. It is also alleged that the petitioner is an old person aged 80 years.

In the facts and circumstances coupled with the fact that the petitioner is a very old person aged 80 years of age, it will be in the fitness of things to direct the respondent nos. 1 and 2 to decide the application of the petitioner under Section 41 of the Land Revenue Act (Annexure NO.1) expeditiously as far as possible.

Accordingly the respondent nos. and 2 are directed to decide the application of the petitioner Tejbhan Manchanda before the S.D.O. Haridwar (Annexure No.1) moved under Section 41 of the said Act.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S. Verma, J.)

RCP